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City of Lodi City Clerk's Office
P.O. Box 3006
Lodi, CA 95241-1910

RESOLUTION NO. 2003-35

A RESOLUTION OF THE LODI CITY COUNCIL
ESTABLISHING AN AREA OF BENEFIT AND
REIMBURSABLE COSTS FOR TIENDA DRIVE
IMPROVEMENTS

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WHEREAS, the final map and improvement agreement for the Tienda Place, Unit No. 1, development were approved by the City Council on October 17, 2001; and

WHEREAS, the tentative map conditions for that project set forth in Resolution P.C. 99-23 adopted by the Planning Commission on June 23, 1999, required that the developer install street improvements (street paving only) and extend public utilities in the Tienda Drive alignment through the adjacent properties to the west, APN 031-040-35 and 031-040-36 (formerly combined as APN 031-040-09) and 031-040-16, as shown on Exhibit A attached hereto; and

WHEREAS, the Resolution further indicates that the developer shall pay one-half of the street pavement improvement costs and, according to the Planning Commission minutes, approval would be sought from the City Council for reimbursement to the developer by the City for the balance of the costs; and

WHEREAS, during the course of construction for the Tienda Drive development, the developer acquired an interest in the most westerly parcel, APN 031-040-16, along the Tienda Drive alignment and elected to install full street frontage improvements, including curb, gutter, and sidewalk, along that parcel as part of the Tienda Place Development, as that is a normal development requirement; and

WHEREAS, the installation of those improvements left only parcels APN 031-040-35 and 031-040-36 along the entire Tienda Drive alignment without curb-to-curb street improvements; and

WHEREAS, in the interest of public safety and to provide for orderly development, on August 7, 2002, the City Council approved an addendum to the improvement agreement for the Tienda Place, Unit No. 1, subdivision that included reimbursement to the developer by the City for one-half the street pavement improvements, as well as the installation of curb and gutter improvements for parcels APN 031-040-35 and 031-040-36 in order to complete the street; and

WHEREAS, in conformance with Lodi Municipal Code (LMC) Section 16.40, staff recommends that the City Council conduct a public hearing to establish an area of benefit and reimbursable costs to recover the City-funded cost of street improvements on Tienda Drive fronting parcels APN 031-040-35 and 031-040-36 that benefit from those improvements; and

WHEREAS, the reimbursable costs for each parcel are shown on Exhibit B attached hereto. In addition, in anticipation of the submittal of a request for a lot line adjustment to create single parcels north and south of Tienda Drive, the reimbursable costs have also been segregated to reflect the total costs associated with the north and south sides of the street; and

WHEREAS, pursuant to LMC Section 16.40.50.A.3, the reimbursable amounts will be adjusted annually in January to include an amount attributable to interest. The annual adjustment will be based on the change in the Engineering News Record (ENR) 20 Cities Construction Cost Index from January 1 of the previous year. The beginning ENR index will be 6581.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that:

- a) The City Council hereby establishes an area of benefit and reimbursable costs to recover the cost of City-funded street improvements on Tienda Drive fronting parcels APN 031-040-35 and 031-040-36 that benefit from those improvements. The reimbursable costs for each property are shown on Exhibit B attached and shall be collected at the time of development for each parcel; and
- b) Pursuant to LMC Section 16.40.50.A.3, the reimbursable amounts will be adjusted annually in January to include an amount attributable to interest. The annual adjustment will be based on the change in the Engineering News Record (ENR) 20 Cities Construction Cost Index from January 1 of the previous year. The beginning ENR index will be 6581.

Dated: March 5, 2003

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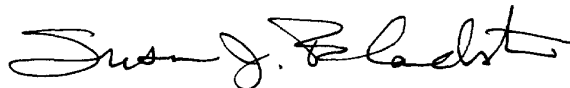
I hereby certify that Resolution No. 2003-35 was passed and adopted by the Lodi City Council in a regular meeting held March 5, 2003, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hansen, Howard, Land, and Mayor Hitchcock

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



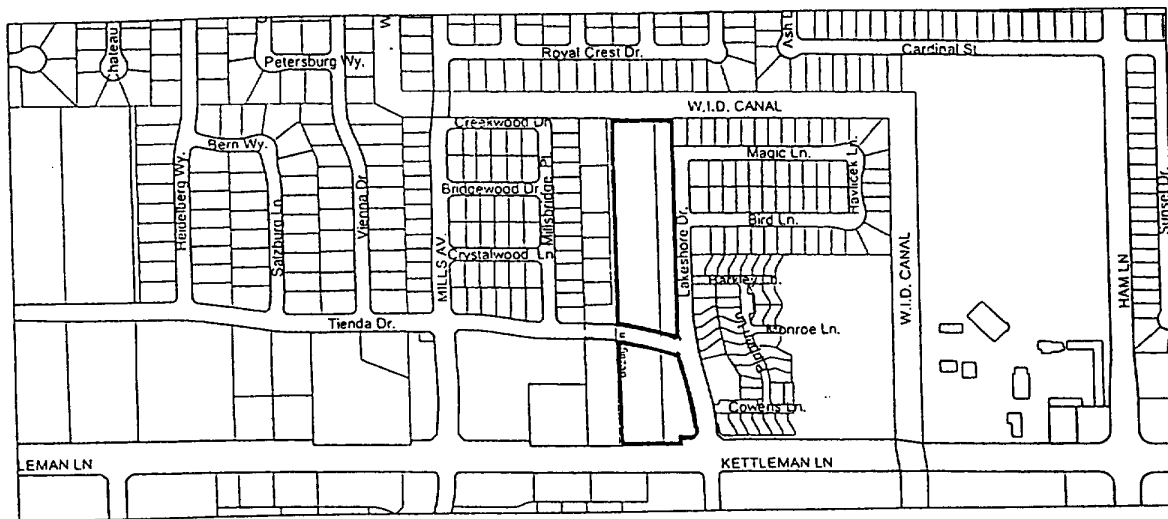
Susan J. Blackston
City Clerk



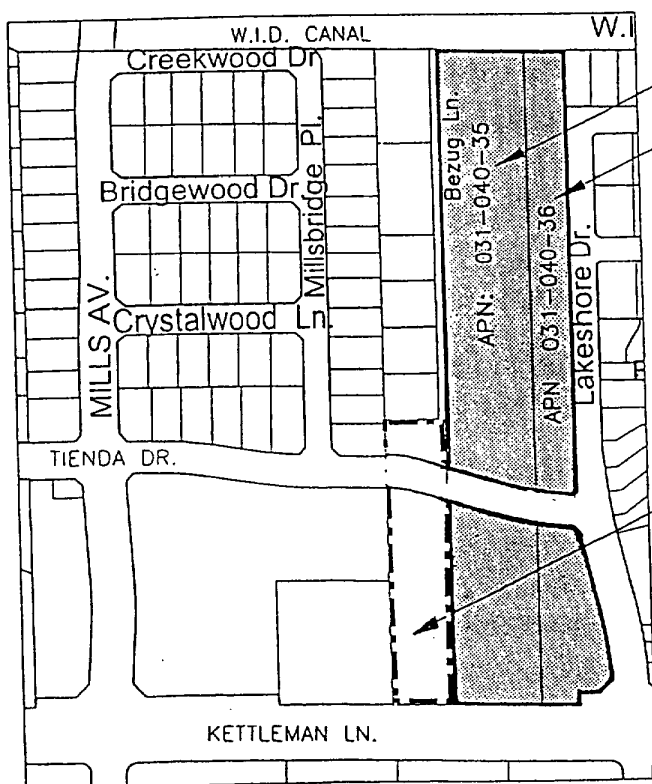
CITY OF LODI

PUBLIC WORKS DEPARTMENT

EXHIBIT A



VICINITY MAP



DETAIL

APN: 031-040-35

APN: 031-040-36

APN: 031-040-16



N.T.S.

Developm Tienda Drive Street Improvements
Engineer: Baumbach & Piazza

Date: 2/12/03

TOTAL COST OF TIENDA DRIVE IMPROVEMENTS FUNDED BY CITY						REIMBURSABLE COSTS							
						APN 031-040-35				APN 031-040-36			
						North		South		North		South	
Item	Description	Quantity	Unit	Price	Total	Quantity	Total	Quantity	Total	Quantity	Total	Quantity	Total
Street System													
1	Roadway Excavation	222	CY	5.25	\$1,165.50	88	\$462.46 ⁽¹⁾	88	\$462.46 ⁽¹⁾	23	\$120.29 ⁽¹⁾	23	\$120.29 ⁽¹⁾
2	Compact Original Ground (0.50')	4,796	SF	0.10	479.60	1,903	190.30	1,903	190.30	495	49.50	495	49.50
3	Aggregate Base, Class II (0.50')	4,796	SF	0.75	3,597.00	1,903	1,427.25	1,903	1,427.25	495	371.25	495	371.25
4	Asphalt Concrete, Type B (0.35')	4,796	SF	1.35	6,474.60	1,903	2,569.05	1,903	2,569.05	495	668.25	495	668.25
5	Vertical Curb & Gutter Only	400	LF	16.00	6,400.00	140	2,240.00	170	2,720.00	47	752.00	43	688.00
6	Concrete Subgrade Compaction	1,000	SF	1.50	1,500.00	350	525.00	425	637.50	117.5	176.25	107.5	161.25
Subtotal Street System					\$19,616.70	\$7,414.06		\$8,006.56		\$2,137.54		\$2,058.54	
10% Engineering & Administration					1,961.67	\$741.41		\$800.66		\$213.75		\$205.85	
Total Street System					\$21,578.37	Total \$8,155.46		Total \$8,807.21		Total \$2,351.30		Total \$2,264.40	
Engineering Plan Check Fee (4.5%)					\$971.03	\$367.00		\$396.32		\$105.81		\$101.90	
Engineering Inspection Fee (2.5%)					539.46	203.89		220.18		58.78		56.61	
Reimbursement Application Fee					500.00	188.97 ⁽²⁾		204.08 ⁽²⁾		54.48 ⁽²⁾		52.47 ⁽²⁾	
Subtotal					\$2,010.49	Subtotal \$759.86		\$820.58		Subtotal \$219.07		Subtotal \$210.96	
Total Reimbursable Costs:					\$23,588.86	Total \$8,915.32		\$9,627.79		Total \$2,570.37		Total \$2,475.38	
Total Reimbursable Costs (2003):													
APN 031-040-35						\$18,543.11							
APN 031-040-36						\$5,045.75							
Total Reimbursable Costs (2003) - North Side:						\$11,485.69							
Total Reimbursable Costs (2003) - South Side:						\$12,103.17							

⁽¹⁾ Roadway Excavation is prorated based on the Compact Original Ground quantities.

⁽²⁾ The Reimbursement Application Fee is 1% of the reimbursable construction costs or \$500, whichever is more in accordance with LMC §16,40,040, Resolution No. 91-206. The Reimbursement Application Fee has been prorated based on the Total Street System costs.